

U.S. Patent Application No. 10/743,885  
Response to Office Action of March 27, 2007  
Page 12 of 17

### **Remarks**

The applicants thank Examiner Sweet for his review of the present application and for the in-person interview in which applicants and the Examiner discussed the presently submitted claims and how those claims distinguish from the previously-cited art. The interview took place on Thursday, May 31, 2007, and was attended by Dean Hughes (inventor), Brian McKinnon (inventor), Tom Wolfe (in-house counsel for applicants' assignee) and Michael Bertelson (counsel for applicants' assignee).

In the Office Action, the Examiner inquired about the submitted information disclosure statements, objected to the specification, objected to claims 15, 82, 83, 105 and 118, rejected claims 1-123, 125 and 126 under 35 U.S.C. §§102, §103, and indicated that claim 124 would be allowable if rewritten in independent form.

Upon entry of the present amendment, applicants have amended the specification to correct minor typographical errors, canceled claims 1-126, and submitted new claims 127-158. These amendments did not add any new matter. The undersigned respectfully disagrees with the Examiner's position that claims 1-123, 125 and 126 are either anticipated under §102 or obvious under §103 and the cancellation of these claims is without prejudice to applicants' rights to pursue these claims in the future.

Based on the above amendments and the below remarks, the undersigned is of the opinion that all pending claims are in condition for allowance, and respectfully requests that the Examiner issue a notice of allowance.

### **Information Disclosure Statement**

At page 2 of the Office Action, the Examiner indicated that he had considered the large number of references that had been submitted in the information disclosure statements filed in connection with this application, but also requested that

U.S. Patent Application No. 10/743,885  
Response to Office Action of March 27, 2007  
Page 13 of 17

applicants "point out any particular reference in the IDS which they believe may be of particular relevance to the instant claimed invention in response to this office action."

In response, the undersigned states that the references cited in the information disclosure statements were discovered through various searching and monitoring efforts in connection with the commercial embodiment of the present application. Applicants are unaware of any reference that is particularly relevant to the present application, and neither applicants nor the undersigned have performed a detailed comparison of the submitted references to the presently pending claims, but, in at least some of the applicants' subjective opinion, the following references may have at least some relevance to the present application:

- UK Patent 2335145
- European Patent 988840
- European PCT 99/30649
- US Patent 4,207,627
- US Patent 5,639,279
- US Patent 6,413,279
- US Patent 6,475,241
- US Patent 6,491,726
- US Patent 6,764,516
- US 2003/0153977
- US 2004/0204766

This list of references represents applicants' good faith attempt to comply with the Examiner's request, but is not a certification that these references are the closest available art. The Examiner is invited and encouraged to consider more closely any reference that he feels impacts on the patentability of any of the pending claims.

U.S. Patent Application No. 10/743,885  
Response to Office Action of March 27, 2007  
Page 14 of 17

### Specification

At page 2 of the Office Action, the Examiner objected to the specification for a typographical error and also requested applicants' cooperation in correcting any errors of which applicants may become aware of in the specification. As part of this amendment, the undersigned has submitted replacement paragraphs [0018] and [0022] correcting a few typographical errors in the specification, and the undersigned respectfully submits that the Examiner's objection to the specification has been overcome and requests withdrawal of the same.

### Claim Objections

At page 2 of the Office Action, the Examiner objected to claims 15, 82, 83, 105 and 118 as including misspellings or typos. As part of this amendment, these claims have been cancelled, and, as such, the undersigned respectfully submits that the Examiner's objections to these claims have been rendered moot, and requests withdrawal of the same.

### Claim Rejections

At pages 2-7 of the Office Action, the Examiner rejected claims 1-123, 125 and 126 under §§ 102 and 103 based on U.S. Patent Nos. 5,370,699 (the "Hood Patent") and 5,824,105 (the "Ries Patent"). The undersigned respectfully disagrees with the Examiner's rejection of these claims. Neither the Hood Patent nor the Ries Patent anticipate or render obvious the rejected claims, at least because neither the Hood Patent nor the Ries Patent, whether taken alone or in combination, teach, suggest or disclose all of the elements of any of the rejected claims. Upon entry of the present amendment, however, claims 1-123, 125 and 126 have been cancelled, and, as such, the undersigned respectfully submits that the Examiner's objections to these claims have been rendered moot, and requests withdrawal of the same.

U.S. Patent Application No. 10/743,885  
Response to Office Action of March 27, 2007  
Page 15 of 17

In addition to the previously pending claims in this application, newly added claims 127-158 are neither anticipated by nor obvious in light of the Hood and/or Ries Patents, at least because neither the Hood Patent nor the Ries Patent teach, suggest, or disclose all of the elements of any of claims 127-158. For instance, among other differences, neither the Hood Patent nor the Ries Patent teach, suggest or disclose a prosthesis including an accommodation structure corresponding to a proximal end of the tibia that includes a lateral accommodation surface having an anterior and a posterior portion in which the posterior portion includes a posteriolateral proximal surface that slopes distally as the posteriolateral proximal surface progresses in a posterior direction, as required by claims 127-138 and 149-158. Another difference is that neither the Hood Patent nor the Ries Patent teach, suggest or disclose a prosthesis including a femoral component that includes a posterior cam extending between a lateral condylar structure and a medial condylar structure in which the posterior cam is asymmetric such that a lateral portion is larger than a medial portion of the cam, as required by claims 139-158. Other differences also exist between one or more of the claims and the Hood and Ries Patents.

The Hood Patent discloses an implantable knee joint prosthesis including femoral and tibial components. See Hood Patent, Abstract. The tibial component of the Hood Patent includes a pair of "laterally spaced-apart concavities, each of which is shaped and dimensioned to receive and support in nested relation a respective condylar portion of the femoral component." Hood Patent, col. 4, ll. 43-50; see also *Id.* at Fig. 1, refs. 48, 49. Neither of these concavities, however, includes a posterior portion having a posteriolateral proximal surface that slopes distally as the posteriolateral proximal surface progresses in a posterior direction. See, e.g., Figs. 1, 10, 11, 15-17. Additionally, although the femoral component does include a posterior cam (See *Id.* at Fig. 6, reference 80), as shown in Fig. 5, the posterior cam

U.S. Patent Application No. 10/743,885  
Response to Office Action of March 27, 2007  
Page 16 of 17

of the Hood Patent symmetric in its medial and lateral aspects. Nowhere in the Hood Patent is there a teaching, suggestion, or disclosure of an asymmetric posterior cam extending between the lateral and medial condylar structures.

The Ries Patent also discloses knee prostheses including femoral and tibial components. The Ries Patent, however, like the Hood Patent, does not disclose a tibial component having a lateral accommodation surface with anterior and posterior portions in which the posterior portion includes a posteriolateral proximal surface that slopes distally as the posteriolateral proximal surface progresses in a posterior direction, nor does it disclose a femoral component having an asymmetric posterior cam extending between lateral and medial condylar structures in which the lateral portion of the cam is larger than the medial portion.

Neither the Hood Patent nor the Ries Patent teach, suggest or disclose all of the elements of any of claims 127-158, and as such, claims 127-158 are patentably distinguishable from these references.

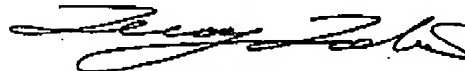
U.S. Patent Application No. 10/743,885  
Response to Office Action of March 27, 2007  
Page 17 of 17

### CONCLUSION

In light of the above amendments and remarks, the undersigned believes that all presently pending claims are in a condition for allowance and respectfully requests the same.

No fees are believed due at this time. To the extent that belief is incorrect, the Commissioner is authorized to charge any additional fees that may be due to Deposit Account No. 11-0855. If the Examiner believes that there are any issues that can be resolved via a telephone conference, or that any informalities can be corrected by an Examiner's amendment, please call Michael Bertelson at 404.815.6291.

Respectfully submitted,



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